

ORIGINAL

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FILED
HARRISBURG, PA

APR 18 2001

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GRAHAM ARCHITECTURAL
PRODUCTS CORP.,

Plaintiff,

v.

STAR INSURANCE COMPANY,

Defendant.

Civil Action No. 1:CV-00-1140
Judge William W. Caldwell

STIPULATED MOTION TO EXTEND
TIME FOR DISCOVERY AND MODIFY
AMENDED CASE MANAGEMENT
ORDER

Plaintiff, Graham Architectural Products Corp. ("Graham"), by and through its undersigned counsel, files the following Stipulated Motion To Extend Time For Discovery And Modify Amended Case Management Order, and states as follows:

1. On March 13, 2001, at the request of the Defendant, and with Plaintiff's consent, this Court issued an Amended Case Management Order, a true and correct copy of which is attached hereto as Exhibit "A".
2. Under the terms of the Amended Case Management Order, the parties are to complete all discovery on or before April 30, 2001.

3. On March 30, 2001, Defendant, Star Insurance Company ("Star"), filed its Motion For Leave To File Supplemental Answer And Affirmative Defenses ("Motion for Leave").

4. Defendant alleges in its Motion for Leave that certain occurrences have taken place since the filing of its original answer giving rise to additional defenses to Plaintiff's claims.

5. On April 3, 2001, Defendant supplemented its Responses to Plaintiff's Interrogatories directed to Defendant, identifying additional information and documentation responsive to Plaintiff's Interrogatories related to alleged deficiencies and/or defects in the windows supplied by Graham.

6. Pursuant to Local Rule 7.3, Star filed its Brief in connection with the Motion for Leave on April 9, 2001. Graham is currently preparing its Brief In Opposition To Defendant's Motion for Leave.

7. On or about March 9, 2001, Defendant noticed the Deposition of Graham's Corporate Designee to be taken on March 16, 2001.

8. The deposition of Graham's Corporate Designee was later rescheduled to April 16, 2001.

9. Counsel for Plaintiff does not believe it is prudent or in the best interest of the parties to proceed with the deposition of Graham's Corporate Designee until the court has ruled on Defendant's Motion for Leave and determined whether Defendant's claims regarding recently discovered defects will be allowed to be injected into the case.

10. Plaintiff will be opposing Defendant's Motion for Leave on the grounds the newly discovered claims are untimely and legally barred.

11. Defendant has agreed to continue its deposition of Graham's Corporate Designee to the extent that this Court agrees to extend the April 30, 2001, discovery deadline.

12. If the Court should grant Star's Motion for Leave, Defendant's allegations regarding defects or deficiencies in the windows supplied by Graham must be examined through discovery and may require expert testimony.

13. Graham requests that discovery be suspended until this Court rules on Defendant's Motion for Leave.

14. Graham requests that discovery be extended an additional sixty (60) days from the date the Court issues its Order concerning Star's Motion for Leave.

15. Graham is confident that discovery can be concluded provided the deadline for concluding discovery is extended for a period of sixty (60) days from the date the Court issues its Order concerning Star's Motion for Leave.

16. Graham further requests that the other deadlines set forth in the Amended Case Management Order for filing of pre-trial motions and for filing of the parties' expert reports be extended as well.


17. While the relief requested herein will not delay prosecution of the claims at issue in this litigation, in all likelihood, the case will have to be removed from the June 2001 trial list. However, extending discovery will allow the parties to more carefully narrow the issues in dispute for purposes of discovery, participating in the pre-trial conference and proceeding to trial.

WHEREFORE, Plaintiff, Graham Architectural Products Corp., respectfully requests that the Court extend the time for discovery for a period of sixty (60) days beyond the date the Court issues its Order concerning Defendant Star Insurance Company's Motion For Leave To

File Supplemental Answer And Affirmative Defenses and requests that the Amended Case Management Order be further amended.

Respectfully submitted,

McELROY, DEUTSCH & MULVANEY, LLP
Attorneys for Plaintiff
Graham Architectural Products Corp.

By: 
Loren L. Pierce

Dated: April 17, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

MAR 13 2001

MARY E. D'ANDREA, CLERK
PER JS DEPUTY CLERK

GRAHAM ARCHITECTURAL PRODUCTS CORP.,)

Plaintiff,)

v.)

STAR INSURANCE COMPANY,)

Defendant.)

Civil Action No. 1:CV-00-1140

(Hon. William W. Caldwell)

AMENDED CASE MANAGEMENT ORDER

AND NOW, this 13th day of March, it is hereby ORDERED that the
November 30, 2000 Case Management Order is hereby VACATED;

IT IS FURTHER ORDERED that the Amended Case Management Order shall be as
follows:

- a) Discovery shall be completed by April 30, 2001. The parties shall identify any expert witnesses and shall provide reports promptly. Plaintiff's report is due by May 15, 2001, and defendant's report is due by May 30, 2001.
- b) All pre-trial motions shall be filed by May 10, 2001, accompanied by a supporting brief. All briefs filed in this case shall comply with Local Rule 7.8 and paragraph IV of the scheduling order previously entered in this case.
- c) This case shall remain on the June 2001 trial list of this court. Parties and known witnesses shall be notified of this schedule immediately, or as soon as identified as such.

William W. Caldwell
United States District Judge



UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GRAHAM ARCHITECTURAL
PRODUCTS CORP.,

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v.

STAR INSURANCE COMPANY,

Defendant.

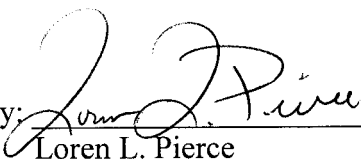
Civil Action No. 1:CV-00-1140
Judge William W. Caldwell

CERTIFICATE OF CONCURRENCE

I, Loren L. Pierce, counsel for Plaintiff, Graham Architectural Products Corp., do hereby certify pursuant to Local Rule 7.1 of the Federal Rules of Civil Procedure for the Middle District of Pennsylvania that Michael D. Klein, counsel for Defendant, Star Insurance Company, was contacted for the purpose of seeking concurrence to file Plaintiff's Stipulated Motion To Extend Time For Discovery And Modify Amended Case Management Order, and that such concurrence was granted.

Respectfully submitted,

McELROY, DEUTSCH & MULVANEY, LLP
Attorneys for Plaintiff
Graham Architectural Products Corp.

By: 
Loren L. Pierce

UNITED STATES DISTRICT COURT
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Judge William W. Caldwell

CERTIFICATE OF SERVICE

COUNTY OF MORRIS]
] SS.:
STATE OF NEW JERSEY]

Carla R. Austin, being duly sworn, deposes and says: That deponent is not a party to this action, is over 18 years of age and is employed at McElroy, Deutsch & Mulvaney, 1300 Mt. Kemble Avenue, Morristown, New Jersey 07962.

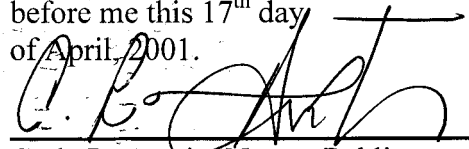
That on April 17, 2001, deponent personally served a true copy of **Stipulated Motion To Extend Time For Discovery And Modify Amended Case Management Order**, via First Class Mail to the following:

Blumling & Gusky, LLP
Attn: Michael D. Klein, Esq.
1200 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219

being the address designated by said attorneys for that purpose.


Robert S. Moskow

Sworn and subscribed to
before me this 17th day
of April, 2001.


Carla R. Austin, Notary Public

CARLA R. AUSTIN
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 03/31/2005

My Commission Expires:

Graham Architectural v. Star Insurance.
Our File No. G0193-1021